

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE TETRA TECHNOLOGIES, INC.  
SECURITIES LITIGATION

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CIV NO. 4:08-cv-0965

**MEMORANDUM AND ORDER**

New Jersey Carpenters Fund, Michigan Pensions Fund, and Fulton County Employees' Retirement System ("Fulton County") have each filed a Motion for Appointment as Lead Plaintiff.

In deciding which plaintiff should be appointed as lead plaintiff under the Private Securities Litigation Reform Act, the Court must determine which movant has the largest financial interest in the relief sought and whether the movant has made a *prima facie* showing of adequacy and typicality as required by Federal Rule of Civil Procedure 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii); *In re Waste Mgmt., Inc. Sec. Litig.*, 128 F. Supp. 2d 401, 409-11 (S.D. Tex. 2000); FED. R. CIV. P. 23. There is a rebuttable presumption that the movant with the largest financial interest in the relief sought by the class is the most adequate plaintiff. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I).

New Jersey Carpenters Fund and Michigan Pensions Fund now concede, and it is clear from the papers, that Fulton County is the lead plaintiff movant with the largest financial loss in this matter. No party has offered proof that Fulton County, the presumptively most adequate plaintiff, "will not fairly and adequately protect the interests of the class" or "is subject to unique defenses that render such plaintiff incapable of adequately representing the class." 15 U.S.C. § 78u-4(a)(3)(B)(iii)(II).

Movant Fulton County's Motion to Be Appointed Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel, Doc. No. 21, is, therefore, **GRANTED**. The motions of New Jersey Carpenters Fund, Doc. No. 18, and Michigan Pensions Fund, Doc. No. 22, are **DENIED**. Fulton County Employee's Retirement System is appointed as lead plaintiff in this consolidated action. The Court further approves Fulton County's selection of Scott + Scott to serve as lead counsel for the class and Fulton County's selection of Kilgore & Kilgore to serve as liaison counsel for the class.

**IT IS SO ORDERED.**

SIGNED this 27<sup>xe</sup> day of June, 2008.



KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE